

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ALLEN FARRIS §  
v. § CIVIL ACTION NO. 6:06cv160  
KEVIN CLANTON, ET AL. § (Consolidated with 6:06cv178)  
§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Allen Farris, proceeding *pro se*, filed these consolidated civil rights lawsuits under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Magistrate Judge ordered service of process upon the Defendants. On January 10, 2007, the Magistrate Judge issued a Report recommending that a motion to dismiss filed by the Defendant Kathy Harris be granted and that Harris be dismissed from the lawsuit. The following day, the Magistrate Judge issued a Report recommending that the Plaintiff's claims against jail administrator Kevin Clanton be dismissed as frivolous. Copies of these Reports were sent to Farris at his last known address, but were returned with the notation "unable to forward." To date, Farris has not notified the Court of his mailing address or current whereabouts.

Accordingly, on March 7, 2007, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute. A copy of this Report, as well as the previous Reports, were sent to Farris at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error,

from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Reports issued by the Magistrate Judge. Upon such review, the Court has concluded that the Reports of the Magistrate Judge are correct. It is accordingly

ORDERED that the Reports of the Magistrate Judge, docket no.'s 34, 35, and 39, are hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the motion to dismiss filed by the Defendant Kathy Harris (docket no. 24) is GRANTED and that the Plaintiff's claims against Harris are hereby DISMISSED with prejudice. It is further

ORDERED that the Plaintiff's claims against the Defendant Kevin Clanton are hereby DISMISSED with prejudice as frivolous. It is further

ORDERED that any and all other claims in these consolidated lawsuits, including the claims against the Defendant Beverly Waddleton, are hereby DISMISSED without prejudice for failure to prosecute. Rule 41(b), Fed. R. Civ. P. Finally, it is

ORDERED that any and all motions which may be pending in these consolidated actions are hereby DENIED.

**So ORDERED and SIGNED this 25th day of April, 2007.**

A handwritten signature in black ink, appearing to read "LEONARD DAVIS".

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**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**